

Elections Bills
2005 Legislative Session

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SHB 1132
Electronic Filing of Declarations of Candidacy

- Requires the Secretary of State to accept declarations of candidacy for single-county legislative, Court of Appeals, and superior court races.
- Such declarations of candidacy may be filed electronically.

EHB 1222
Signature Gatherer Declarations

- Requires a person gathering signatures for a ballot measure to swear under penalty of perjury that, to the best of his or her knowledge, every person who signed the petition did so knowingly and without compensation, and provided true information.
- The oath also warns the signature gatherer that forging signatures is a class C felony, and offering money in exchange for signatures is a misdemeanor.

HB 1447
Instant Runoff Voting Pilot Project

- Authorizes a county auditor and the Secretary of State to conduct a pilot project using Instant Runoff Voting (IRV) in a city for nonpartisan elections.
- The pilot project must be conducted in a first class city with a population between 140,000 and 200,000 that has approved a city charter amendment authorizing the use of IRV for the election of city officers.
- The city must notify the Secretary of State by January 1, 2007, the pilot project must begin by August 1, 2008, and conclude by 2013.

HB 1749
Strengthening County Election Reviews

- Requires the Secretary of State to review each county's elections procedures at least once every three years, rather than merely "periodically".
- Requires the county to respond to the review in writing, listing the steps that will be taken to correct any problems.
- Requires the Secretary of State to return before the next primary or general election to verify that the corrective steps have been taken.
- Costs approximately \$350,000 per biennium.

SHB 1754
Local Option Vote-by-Mail

- Allows the county auditor, with express authorization from the county legislative authority, to conduct elections entirely by mail.
- Requires at least 90 days notice to the auditor prior to the first election to be conducted by mail.
- Requires at least 180 days notice if the legislative authority and the auditor decide to revert to polling place elections.
- Requires the decision to apply to *all* elections conducted in the county.
- Requires the Secretary of State to study available technologies that will allow a voter to conveniently determine whether his or her ballot was received and counted. The Secretary of State must report its findings to the Legislature by December 31, 2006.

SHB 1876
Voting Rights of Persons under Guardianship

- Prohibits the loss of the right to vote for an incapacitated person under a full or partial guardianship unless the court determines that the person lacks the capacity to understand the nature and effect of voting such that he or she cannot make an individual choice.
- The court order establishing guardianship shall specify whether or not the individual retains the right to vote.
- The court shall notify the appropriate county auditor if the right to vote is lost.

ESSB 5395

Requiring Electronic Voting Devices to Produce a Paper Record

- Beginning January 1, 2006, all electronic voting devices must produce a paper record for the voter's review prior to finalizing his or her vote.
- The paper record must be human and machine readable, and printed in the language used by the voter if the device is programmed to display ballots in multiple languages.
- The paper record may not be removed from the polling place, and removal without authorization is a class C felony.
- The paper records become the official records if used in a manual recount, by order of the canvassing board, by order of a court, and in random audits.
- Prior to certification of the election, the county auditor must conduct an audit of DRE voting devices.
- The county auditor must randomly select 4% of the DRE's or one DRE, whichever is greater, to compare the results recorded electronically with the results recorded on paper of three randomly selected races.
- The paper records must be tabulated manually on 25% of the devices subject to audit, and by machine on the remaining devices.

SB 5564
Elections Manual

- Requires the Secretary of State to prepare a manual of election laws that explains all election laws and rules, for distribution to all vote counting centers.

SB 5565
UOCAVA Instructions & Envelopes

- Requires the envelopes and/or ballot instructions that go to out-of-state, overseas, and service voters to explain that:
 - return postage if free
 - the date of the signature is considered the date of mailing
 - the envelope must be signed by election day
 - the signed declaration may serve as registration
 - the ballot and envelope may be faxed if the voter waives secrecy and the originals arrive prior to certification
 - a ballot may be obtained electronically via the internet.
- The ballot instructions must include the website of the Office of the Secretary of State to facilitate the electronic acquisition of ballots.

ESSB 5499

Ballot Processing & Canvassing

Signature Verification

- Requires guidelines for verifying signatures, and requires that staff assigned to verify signatures be trained on those guidelines.
- Requires the county auditor to notify the voter if he or she failed to sign the absentee or provisional ballot envelope, or if the signatures do not match.
- The county auditor must contact the voter by telephone and then by mail if unable to reach the voter by telephone. Leaving a voice message for the voter is not considered telephone contact.
- In order for the ballot to be counted, the voter must cure the missing or mismatched signature either in person or by mail by the day before certification.
- If the second signature still does not match the signature on file, the voter must appear in person to sign a new registration form.
- Prohibits a voter from curing a signature problem during a recount.
- Records regarding cured signatures are public records.

Absentee & Provisional Ballots

- Requires that provisionals and absentees be distinguishable and either printed on color paper or imprinted with a bar code.
- Requires provisionals and absentees to be incapable of being tabulated by poll-site ballot counters.
- Requires a secrecy flap on the absentee outer envelope to cover the voter's name, signature and telephone number.
- Requires the envelope to contain a declaration regarding illegal voting.
- Requires a space to allow the voter to provide his or her phone number.
- Codifies the information to be recorded on a provisional ballot envelope.
- Codifies that the county auditor must provide a free access system to allow a provisional voter to later learn whether the ballot was counted.

Polls

- Requires a voter voting at the polls to provide photo ID or the voter registration card, a utility bill, bank statement, paycheck, government check or other government document.
- Allows a voter who does not have ID to vote a provisional ballot.

Ballot Processing

- Allows auditors to begin processing absentee ballots immediately upon receipt, rather than 10 days before the election.
- Prohibits ballot enhancement and allows duplication only if the voter's intent is clear and duplication is necessary in order for the machine to count the ballot.
- Clarifies that a write-in vote counts even if the candidate is already listed on the ballot.
- Requires counties with a population over 75,000 to canvass ballots daily.
- Clarifies that only the canvassing board can reject ballots or votes on a ballot as invalid, and that this authority cannot be delegated.
- Requires a reconciliation report at the time of certification that includes the number of registered voters, ballots counted, provisionals issued, provisionals counted, provisionals rejected, absentees issued, absentees counted, absentees rejected, federal write-ins counted, UOCAVA ballots issued, UOCAVA ballots counted, and UOCAVA ballots rejected.
- Requires a second reconciliation report 30 days after certification that includes the number of registered voters, all voters credited, poll voters credited, provisionals credited, absentees credited, federal write-ins credited, UOCAVA voters credited, voters credited even though the ballot was late and not counted, and any other information necessary to reconcile the number of ballots counted with the number of voters credited.
- Extends general election certification from 15 days to 21 days.

- Clarifies that the canvassing board can recanvass when there is a discrepancy or inconsistency in the returns caused by an error by the county auditor or staff.
- Clarifies that the Secretary of State certifies a general election 30 days after and transmits a copy of the certification to the Governor, President of the Senate, and Speaker of the House of Representatives.

Recounts & Election Contests

- Changes the automatic manual recount threshold for statewide elections from 150 votes to 1000 votes.
- Removes the requirement that a recount begin within three days, and instead allows the county canvassing board to decide when to begin.
- Authorizes the Secretary of State to set a uniform certification date during a recount of a multi-county office.
- Requires an election contest to be filed within 10 days of certification of the election, rather than issuance of a certificate of election (swearing-in).

Crimes

- Makes knowingly destroying, altering, defacing, concealing or discarding a completed voter registration form or signature affidavit a gross misdemeanor.
- Makes intentionally voting twice a class C felony, and doing so recklessly or negligently a civil infraction.

Study

- Requires the Secretary of State to study the impact of the current law that allows candidates for the Supreme Court, Court of Appeals, superior court, and Superintendent of Public Instruction who receive a majority of the votes at the primary to be the only candidate listed in the general election.

ESSB 5743

HAVA Voter Registration

Registering to Vote:

- Clarifies that a voter registration applicant must provide a Washington driver's license or state ID card in order to register to vote, and may only provide the last four digits of his or her Social Security number if he or she does not have a driver's license or state ID card.
- Clarifies that a person may only be registered to vote if the applicant has confirmed citizenship and the Secretary of State has confirmed the driver's license, state ID card, or social security number.
- Consolidates the voter registration form requirements into one statute.
- Adds to the voter registration form:
 - a checkbox for military or overseas voters
 - another sworn statement about the penalties for illegal voting
 - a checkbox for the applicant to indicate that he or she does not have a driver's license, state ID card, or S.S. number.
- Makes knowingly registering to vote without the legal qualifications a class C felony.
- Clarifies that a voter who registers by mail and does not have a driver's license, state ID card, or S.S. number must provide a secondary form of ID the first time he or she votes after registering. If the voter fails to provide a secondary form of ID, the ballot must be treated as a provisional ballot, whether voting by mail or in person.
- Specifies the secondary forms of ID: photo ID, tribal ID, utility bill, bank statement, government check, paycheck, or other government document that shows both the name and address of the voter.
- Requires DOL agents and other agencies to affirmatively ask, "Are you a U.S. citizen?" and "Are you or will you be 18 on or before the next election?"
- Codifies the WAC that allows homeless to register to vote using the address of a nearby public building as the residential address for precinct purposes.

Statewide Voter Registration Database:

- Requires the Secretary of State to screen the database quarterly for felons, the deceased, the legally incompetent, and persons who have declined to serve on juries due to lack of citizenship using DOC, WSP, AOC, DOH and DOL databases.
- Requires the Secretary of State to screen all voter registration applications against existing registrations to prevent duplicates.
- Requires DOL to make additional driver's license information available to the Secretary of State, such as picture and digital signature.
- Authorizes the Secretary of State to make the database coordinate with databases from other states and federal agencies, including the FBI, federal courts, DOJ, Federal Bureau of Prisons, and the Bureau of Citizenship and Immigration Services.
- Requires the return forms sent to voters with verification and confirmation notices to be preaddressed and postage-paid.

Felons Voting:

- Clarifies that a felon must be notified at the time of conviction that:
 - the right to vote has been lost
 - that his or her voter registration will be canceled
 - that voting before the right is restored is a felony, and
 - the process for getting the right restored.
- Clarifies in the election statutes how a felon may demonstrate that he or she has had the right to vote restored.
- Clarifies the process for a voter who appears on a felon list:
 - the registration is suspended
 - the felon is notified of the suspension and the process for restoring the right to vote
 - the felon has 30 days to respond, and
 - the registration is cancelled at the end of the 30 days.

- Requires the county clerk to notify the Secretary of State each time a felon completes all requirements of a sentence.
- Requires the Secretary of State to notify the appropriate county auditor if a felon has completed all requirements of all sentences.

Public Records:

- Clarifies that the Secretary of State must provide lists of registered voters upon request, just like county auditors.
- Makes a voter's date of birth a public record.

Absentee Ballot Envelope:

- Requires a secrecy flap to cover the voter's name, signature and telephone number.
- Requires an additional declaration on the outer envelope regarding illegal voting.
- Requires a space for the voter to provide his or her phone number, which is optional.